

On July 1, 2015, I assigned Montgomery his third “strike” under 28 U.S.C. § 1915(g), in the case titled *Montgomery v. Animation Adventer’s Computer Game Internet Ower [sic], All*

*Viewers*, Civil Action No. ELH-15-1772 (D. Md.).<sup>1</sup> Montgomery was notified that, pursuant to 28 U.S.C. §1915(g), he was barred from filing new cases unless he first submitted the full civil filing fee or showed imminent danger of serious physical injury.

In this case, Montgomery expresses his desire for a transfer and his disagreement with his current course of mental health treatment. He does not claim he has suffered any physical harm as a result of the matters alleged. As his complaint does not suggest that he is in imminent danger of physical injury and he has not submitted the full filing fee, it will be dismissed pursuant to 28 U.S.C. § 1915(g) by separate Order. The motions to proceed in forma pauperis and for appointment of counsel will be denied.

I note that on October 22, 2015, I ordered counsel in the Office of the Attorney General to file an expedited response to Montgomery's correspondence of October 5, 2015 and October 13, 2015, in which he raised concerns about his physical safety and medical and mental health care. *See Montgomery v. Warden*, ELH-15-3005 (D. Md.). In his October 5, 2015, letter, Montgomery also complained about the medical and mental health care he is receiving at Patuxent Institution, including the medication he is prescribed. In the correspondence he filed on October 13, 2015, he claimed he was assaulted by an officer and his life was in danger and asked to be moved from the Patuxent Institution. That case is sufficient to ensure court review of Montgomery's conditions at Patuxent Institution.

---

<sup>1</sup> *See Montgomery v. Bonsale*, Civil Action No. ELH-14-3885 (D. Md. 2014) (assigning the first "strike" under 28 U.S.C. §1915(g); *Montgomery v. Warden*, Civil Action No. ELH-15-1533 (assigning the second "strike" under 28 U.S.C. § 1915(g)).

For the above stated reasons, a separate Order shall be entered dismissing the instant case.

November 4, 2015  
Date

\_\_\_\_\_/s/\_\_\_\_\_  
Ellen L. Hollander  
United States District Judge